Secrt. II-27—15,000—19-10-[illegible]

S. P. H (1940) **Department.**

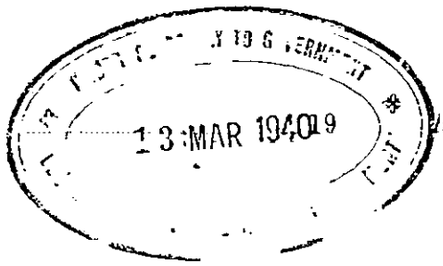
SERIES.

G.O. No.	2653 P.H
Dated	19 5 40

[Despatch Abstract.]

Buildings - Mangalore Municipality - Building of Mr.F.X.D. Pinto - Block No.10 Market Ward Town Planning Scheme Relaxation - Not approved.

Local Administration **DEPARTMENT.**



Received ..... *Registered* 10033 19

Subject.

License - Construction of building - 186 of Market Ward - Block No.10 Market Ward Town Planning Scheme - Relaxation of Rule.

(V)/6.7. Ref:- Government Memo 7430-F/39-1 dated 14.3.1939.

ENCLOSURES
No. One
Spare copies

Ref. C. No.H3-12863/38

Station Mangalore , *Dated the* 6th March, 19 40.

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,
(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,
Through The Chairman, Municipal Council, Mangalore.
Education & Public Health Department, Fort St. George, Madras.

Sir,

(V)/p.7. A copy of the above memorandum was communicated to Mr. F. X. D. Pinto, the owner of the building referred therein. In the meanwhile he built a balcony projecting over 5 ft. of the 10 ft. margin originally left by him. This the party had to build as without this it would have been impossible to use the building owing to the local monsoon condition. Notice was then issued asking Mr. Pinto to dismantle the projected balcony. He then -

submitted an

submitted an appeal which was referred to a special Committee. The report of this committee which has been approved by the Council in its Res.No.60 dated 5th February, 1940, is enclosed. For the reasons given in the Committee's report I request that Government may be pleased to relax clause 12(e) of the Block No.10 Market Ward T. P. Scheme as far as this building is concerned.

2. In this connection attention is invited to G.O.No. 662 P.H., dated 22-2-1940 under which Government were pleased to relax Rule 8 of the building rules as far as this Municipality is concerned for projecting 3 ft. balconies in the 4 ft. space to be left under rule 8 of the building rules. The Council considers that clause 12(e) of the Scheme referred to above may be justifiably relaxed in this case.

I request early orders accepting the Council's resolution.

Commissioner, M.M.

Forwarded.

Chairman, M.C.

DIRECTOR OF TOWN PLANNING
C.No. 1215
1 - MAR 1940
MADRAS

CMS/7.3.40

Education and Public Health Department

Endorsement :- 10093/40-1 F(P.H) 29/3/40

Referred to the Director of Town-Planning for remarks.

(By Order)

S. C. Kaswar
30 3 40
Under Secretary to Government.

To
The Director of Town-Planning.

24/3/40.

Present: Sri B. Venkatarao Baliga
" Dr. H. V. Adappa
" Dr. U. P. Mallya

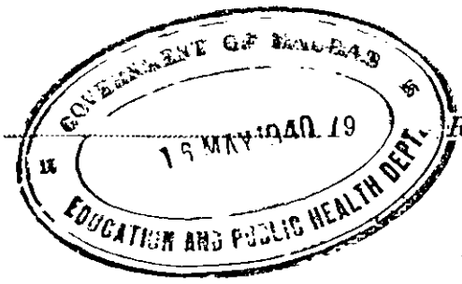
The main building is 10 ft. away from the street alignment. The only objection is that in the 10ft. space there is an open verandah - open in the sense that there is no railing or pillars on the verandah supporting the balcony which overhangs the verandah. Only at one corner near the steps leading to the 2nd floor there is an iron support. The width of the verandah is 5 ft. Beyond the verandah up to the street alignment there is only open space. The building is not at all objectionable from the point of traffic. The road in front of the building excluding the 5ft. open space referred to above is very broad and there is no dangerous curve. Under the curcumstances the committee recommends that the Government may be addressed to reconsider the matter and waive the 10ft. rule to the extent indicated above. The appeal may be kept pending awaiting orders of the Government and if the Government complies with the requisite request, the appeal may then be allowed.

(Sd.) B. Venkatarao Baliga,
31.1.40.

/ True Extract /

Commissioner, M.M.

Local Administration **DEPARTMENT.**



Received ..... *Registered* 20608 19

Subject.

License - Construction of building - 186 of Market Ward - Block No.10 Market Ward T.P. Scheme - Relaxation of Rule.

Page 7 of (V) Government Memo 7430-F/39-1 dated 14.3.39.

This office Ref.C.H3-12863/39 dated 6th March,1940.

ENCLOSURES.

No.

Spare copies

Ref. C. No.C4-12863/39

Station MANGALORE, , *Dated the* 9th May, 19 40

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,

(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,

Education & Public Health Department.

Through The Chairman, Municipal Council, Mangalore.

Fort St. George, Madras.

Sir,

I invite your kind attention to this office reference noted above and request that early orders may be passed in the matter.

Commissioner, M.M.

Forwarded:

U Laxmana Shenoy
Chairman Delegate, M.C.

CMS/

Education & Public Health DEPARTMENT.

Received ..... 19 *Registered* 20610 19

Subject.

Buildings - Mangalore Municipality - Building of Mr.Pinto - Block No.10 Market ward scheme -Rule -Relaxation.

Enclosures.
No. .....
.....
Spare copies .....

D.T.P. No. 1167/40

Station Madras, *Dated the* 15th May 1940 19

From (Name) S.Ranganathan Esq.,O.B.E.,I.C.S.,
(Designation) Ex-officio Director of Town Planning, Madras.

To The Secretary to the Government of Madras,
Education & Public Health Department.

Sir,

P.2 ante

Ref: Govt.Memo.No.10033/40-1 F P.H. dated 30th March 1940.

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Resubmitted with the following remarks:

2. In Town Planning areas, the setting back of the building to the building line specified in the T.P.Scheme and prohibition of any construction of building (except a compound wall) within such line, ought to be strictly enforced.

3.The exemption given in the case of application of the rule 8 of the building rules in non-town planning areas would not justify a similar exemption from the scheme condition in T.P. areas.

4. Perhaps in consideration of the fact that the balcony has been already constructed by Mr.F.X.D.Pinto, in this case alone, the Government may, if they deem fit, condone as a matter of grace, the deviation from clause 12(e) of the scheme.

for Ex-officio Director
of Town Planning.

S.C.15/5

E & P. H. Dept.

C. Nos. 10033 & 20610.

Subject - Buildings - Mangalore municipality - Building of Mr. Pinto - Exemption from clause 12(e) of the Block no. 10 Market ward T. P. Scheme.

10033

Please see the letter of the Comr. Mangalore municipality on pages 1-2 ci and the remarks of the D. T. P. thereon on pages 7-8 ci In view of the remarks of the D. T. P. on page 6 of Memorandum No. 7430-F/39-1 dated 14-3-39 and para. 3 of his letter on page 7 ci. it is for consideration whether the exemption asked for may be refused.

SRM
29/5/40

(V)

Have the Govt. the power to accept such deviation, when the scheme proves?
SRM 29/5/40

25.4.40.

SRM 31/5

27/5

(T)

The Govt. have no power to condone deviations from the Scheme. The Scheme has been sanctioned in G.O. no. 1304 P.H. dated 26.6.28. In recent G.O.

provision has been made for the condonation of the deviations from the scheme conditions by the ml. cls. concerned ~~in~~ with the approval of the D. T. P. but no such provision exists in the Case under reference.

10.6.40

12.6.40.

12/6

Tell them so and close the file. Exemption to be refused.

Draft SRK 14.6.40

for 15/6

A draft order is submitted.

16.6.40.

17/6.

SRK 18/6/40

49
19/6

CF. 16.

DRAFT FOR APPROVAL.

E & P. H. Dept.

	Date.	Initials.
When received for fair copying ..		
When copied ..	19/6	
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Buildings - Mangalore municipality. Building of Mr. F. X. D. Pinto - Block No 10 Market Ward T. P. Scheme - Relaxation - Not approved.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

C. No. 10033 From the Comr. Mangalore municipality No. 12863/38 dated 6-3- 1940

" _____ " _____ " _____ " _____ 19____

C. " 20610 " D.T.P. " 1167/40 " 15.5- 1940

Order / Resolution Ms. / Rout. No. 2693, dated 19.6.40 19____

The Comr. of the Mangalore municipality is informed that there is no provision in the T.P. Scheme for the condonation of deviations. The condonation of any deviations from the Scheme can be considered only on merits.

2. A copy of the remarks of the D.T.P. contained in paras. 2 & 3 of his letter no 1167/40 dated 15.5.40 is communicated to the Comr. of the municipality

To

The Comr. of the Mangalore municipality through the Se. to G. Mangalore (with copy of paras. 2 & 3 of D.T.P's letter)

The D. T. P.

19/6

16.6.40.

18/6/40.